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NOTES OF CASES.

Corporations—Property and Books—Right of Director to Examine.—Each member of the board of directors of a private corporation, as held in *State v. Grymes*, 64 S. E. 728 (Supreme Court of Appeals of West Virginia, April 20, 1909), is clothed by law with equal rights and powers, and each has a right, at all reasonable times, to make an investigation of the property and funds, books, correspondence, and papers of his corporation, which are in the possession of its agent or general manager, and to make copies thereof for his own information as such director; and the right conferred by general law on an individual director to make such investigation is not abrogated by § 2276 of the Code of 1906.

Deeds—Mental Capacity—Presumptions and Burden of Proof.—It is held in *Towner v. Towner*, 64 S. E. 732 (Supreme Court of Appeals of West Virginia, April 20, 1909), that mental incompetency is presumed in respect to a deed executed by a person after he has been adjudged insane and before his discharge from the hospital in which he was confined, although, at the time of its execution, he was at home, under a permission or furlough, given by the hospital authorities; and the burden of proof is on the grantee to prove it was executed in a lucid interval; and to sustain a deed as having been executed in a lucid interval the proof must be clear, going to the mental state and habit of the grantor, not merely to an accidental interview, or the degree of self-possession in a particular act. It must show the power and restriction of mind deemed necessary in general to the disposition and management of affairs.

Frauds, Statute of—Modification of Contract—Specific Performance.—A contract for sale of coal provides that part of the purchase money shall be paid by a given day, when the vendor is to make a deed, and that, if not so paid, the contract shall be void, and declares this provision for payment of the essence, and there is default in such payment. It is held in *Thompson v. Robinson*, 64 S. E. 718 (Supreme Court of Appeals of West Virginia, April 20, 1909), that no oral extension of time made after that day will bind the vendor; a defunct contract for the sale of realty cannot be revived by an oral contract; and if a contract for sale of land demands payment of purchase money by a given day, and declares this provision of the essence, and if not complied with the contract to be void, deed to be made on such payment, the vendee must pay or tender the money on the day, and thus put the vendor in default, else the vendee cannot have specific performance.